

IFC



Attorney Docket No.: 43890-673
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer No.20277
Tetsuzo UEDA, et al. : Confirmation No.: 1264
Serial No.: 10/812,416 : Group Art Unit: 2811
Filed: March 30, 2004 : Examiner: SARA W. CRANE

For: 4H-POLYTYPE GALLIUM NITRIDE-BASED SEMICONDUCTOR
DEVICE ON A 4H-POLYTYPE SUBSTRATE

ELECTION UNDER 35 U.S.C. § 121

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed July 27, 2005, having a shortened statutory period for response set to expire August 27, 2005, wherein the Examiner required restriction between the following Groups:

Group I - Claims 1-39, drawn to a semiconductor device; and

Group II - Claims 40-49, drawn to a method of forming a semiconductor device.

Applicants elect Group I, claims 1-39, for initial prosecution on the merits. Applicants also reserve the right to file a Divisional Application for the non-elected claims 40-49, which the Examiner has indicated is patentably distinct.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time. The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417. A duplicate copy of this Response is enclosed for accounting purposes.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: 8/25/05

By:

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